

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Clarksburg**

**QUADIRI AYODELE,**

Plaintiff,

v.

**CIVIL ACTION NO. 1:19-CV-183**  
Judge Klee

**WARDEN HUDGINS,  
AUSA FLOWERS,  
AW MESSER,  
SIS VANDEVENDER,  
and SIS ALDRIDGE,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The above referenced case is before this Court upon the magistrate judge's recommendation [Doc. 75], filed January 29, 2021, that the Motion to Dismiss [Doc. 54] be granted, the Motion to hold the case in abeyance [Doc. 70] be denied, and that the case be dismissed with prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United***

**States v. Schronce**, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation. The Court notes, however, that plaintiff filed several motions after the report and recommendation were entered. First, a Motion for Leave and Extension of Time to Respond [Doc. 77], filed February 19, 2021. Second, a Motion to Amend the Complaint [Doc. 79], filed March 22, 2021. Finally, a Motion to Dismiss [Doc. 81], filed April 28, 2021, in which plaintiff requests this Court dismiss his civil claim with prejudice.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 75] is **AFFIRMED**, the Motion to Dismiss [Doc. 54] is hereby **GRANTED**, the Motion to hold the case in abeyance [Doc. 70] is hereby **DENIED**, and this case is **DISMISSED WITH PREJUDICE**.

In light of the above, the Motion for Leave and Extension of Time to Respond [Doc. 77], the Motion to Amend the Complaint [Doc. 79], and the Motion to Dismiss [Doc. 81] are **DENIED AS MOOT**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein and to mail a copy to the *pro se* plaintiff.

**DATED:** September 21, 2021.

  
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**THOMAS S. KLEEH**  
**UNITED STATES DISTRICT JUDGE**